G.R.S. IX—5]

Previous references. 192

Genl. 47—18 (1, 2, 4, 6, 8, 10, 11 & 13) Genl
" 54—21 (12, 15, 16, 19, 20, 22, 24
" 47—22 (8 & 9) & 25)
" 47—22 (1—6)
Later references.
Genl 57-22-1.

File No. 57-2

Serial Nos. Office Notes

Pages 1—8

preserve

(8)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for December 1923.

SUBJECT

Question regarding the renewal of prospecting licenses for reserved minerals and the grant of mining leases in respect of the Sacra

No answer.

REPLY

(To be written on this margin.)

DIARY NO 1273.

19	19
Section.	
File No.	
Serial No.	

615
25.9.23.

OFFICE OF THE SECOND MEMBER OF COUNCIL.

NOTE

Dated 25 9 1923.

With regard to the G.O. Searching's reservation to Chrome town Shan minerals to Govt. I wish to know whether or not it intended that prospecting licences already issued for Chrome stones are to be renewed & whether mining leases stones are to be issued for which prospecting licences have been issued already Shan States in operation for some years

2 Mr Oakley who saw me the day before raised the above point in course of conversation & wish therefore to have definite reply from time

3 In file heading up the letter G.O. Searching's reservation Shan minerals may be also put up for reply

Dy 26/9/23

GEN. & REV. SECRETARIAT
26 SEP 1923
INDUSTRIES & COMMERCE BRANCH.

Early action reqd
26/9 - with reminder

G. R. S. III-2.

2

General and Revenue Secretariat. | Genl File No. 57 of 1923.

Serial No.

L (Genl 47-18-4)
M. (Genl 47-22-5)
A (Genl 47-22-8)

5 The files relating to the reservation of certain oils & minerals in the State are put up

6 In Govt order of 29-4-1920 reserving certain oils & minerals in certain specified areas, it was stated that it would be open to Govt to grant licences & leases for minerals within those reserved areas at the discretion of Govt. to approved applicants with a view to develop local industries. But no such mention is made in Govt orders of 6-11-1922 and of 29-1-1923.

M
A.

7 No reference has been made in those orders as to whether applications for renewals of prospecting licences or for grant of mining leases should be entertained or not in respect of the licences that were current at the time of reserving the minerals.

M. A.

8 In connection with the application received for ~~sanctioning~~ the transfer of certain prospecting licences from Mr. J Burr to Messrs Oakley Duncan & Co for manganese & chrome, Govt decided that the transfer be approved subject to the condition that no further renewal of those licences or mining leases would be sanctioned, ~~by Govt~~ as manganese & chrome were minerals reserved exclusively to Govt throughout the State

L
Genl 96-21-6.

9 Again in connection with an application received from Mr. M. Lakshminarayana Jois for the renewal

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat. | Genl File No. 57 of 19 23.

Serial No.

of a prospecting license for manganese, the Director of Geology has been requested to state why the renewal of the old license in question has been recommended when the mineral has been ordered to be reserved exclusively to Govt throughout the State. The Director's reply is due

Asst. 27-9-23.

(Genl 25-23-2)

The question whether a prospecting license already granted in respect of a mineral which is under the Reserved minerals, has been treated as a Reserved mineral, may be renewed and whether a mining lease may be granted for such mineral under the terms of the prospecting license, are not entirely free from doubt. It stands to reason that in the case of a prospecting license once before granted in respect of any mineral — whether reserved or not — the licensee is entitled to the benefits accruing under the terms of the licence granted then. From a careful examination of the rules relating to the granting of licenses leases & the forms of licenses leases the following facts emerge

NOTE—Contn. sheet.

G. M. S. 111-4

4

General and Revenue Secretariat. | Geol File No. 57 of 19 27.

Serial No.

1) There is no specific clause in the form of prospecting licence entitling the holder to a renewal of the licence

2) But Rule 18 says that the Govt may at their discretion (these words are significant) sanction renewal from year to year, but renewals not exceeding three

3) At the same time Rule 28 says that the licensee will be entitled to select a mining block any time during the currency of the licence

4) And according to clause 17 of the prospecting licence form it does not appear open to the Govt to refuse the grant of a mining block as the words "the licence shall be entitled during the term of the licence to select a mining block" and that he "shall be entitled to the grant of a mining lease in respect of such block were clearly intended

5) But from Rule 37 it would appear that the discretion vests with the Govt entirely as may be seen from the words adopted in this rule which are as follows "If the Govt decide to

This Rule does not appear to read with Rule 28 & therefore it cannot depend the prospecting licence of the applicant & can only be granted for one year

NOTE—Contn. sheet.

General and Revenue Secretariat. | Govt File No. 57 of 1923

Serial No.

grant a lease the Director may inform the applicant of their decision ... If he / she decline to grant a lease ..."

It can be observed that there is no mention here that he / she are bound to give any reasons for their decision one way or the other.

If the rules and the terms of the licence form are read together it would appear open to the / to refuse renewal of licence and to grant any number of blocks for any term whatever. And the fact that a particular mineral for which a licence has already been granted happens to have been reserved could not / appear to afford sufficient reason to disallow a renewal of the licence or to grant a ~~prospecting~~ mining block thereunder. All current licences and leases are to be respected but when the time comes when a renewal or a mining lease is applied for the / should be at the entire discretion to grant the / it or not.

In the / file connected with Lakshminarayana's application

NOTE—Contn. sheet.

G. R. S. III-2]

1273

General and Revenue Secretariat. | Genl File No. 57 of 1923

Serial No.

for the renewal of his prospecting licence for manganese the Director of Geology has taken the opposite view and is of opinion that the reservation will cannot be applied to licences already granted and so the Council may be advised. But there seems to be nothing to warrant this view.

For orders

19.10.23

Revenue Secretary

Second Member 21/10/23

435
23.10.23

Please put up for perusal Govt file no 54-21 Extracts from which are given in Govt file no 479 of 22

(Page)

16/11 17/11/23

Submitted with the connected file as desired.

(Govt 54-21-25)

19-11-23

Second member 19/11/23

463
19.11.23

NOTE—Contn. sheet.

1273

G. R. S. III-4

General and Revenue Secretariat. | Geol File No. 57 of 1923.

Serial No.

In connection with certain applications for the renewal of prospecting licenses and for the grant of mining leases to the holders of such licenses in respect of the reserved minerals - chrome, manganese ore etc., - the following questions have been raised:-

(1) Whether the holder of a prospecting license is entitled to a renewal of the license under Rule 18;

(2) whether the holder of a prospecting license is entitled to a mining lease under Rule ~~30~~ 28.

In respect of renewals of prospecting licenses as they are entirely at the discretion of the Government under Rule 18, all applications for such renewa in respect of the reserved minerals may be rejected.

With regard to the applications for mining leases, on a careful perusal of the Rules in force I am of opinion that a holder of a prospecting license is entitled under Rule ~~30~~ 28 as also according to the terms of the license to a mining lease provided he applies for it within the period of the currency of his prospecting license, the grant of the lease being however subject to the restrictions specified in the above rule.

The applications which are now pending before Government as also any future applications that may be received will be dealt with in accordance with the above view if agreed to by the Dewan.

DEWAN'S OFFICE. Rec'd on DEC 10 1923 Reg. No. 3828

Dewan

I agree with the view of the Member

NOTE—Contn. sheet.

28
11.12.23

II Member

G. R. S. III-21

1273

General and Revenue Secretariat. | Geo File No. 57 of 1923

Serial No.

Action may be taken in accordance with the views expressed in regard to Ecclesiastical Cases. Each case may be dealt separately & submitted with the necessary papers

Sd
12/12/23
SMD 13/12

Action is being taken as directed in respect of the cases pending. If approved these papers will be recorded.

Sd
17-12-23.

Yes
SMD
19/12

GEN. & REV. SECRETARIAT
DEC 1923
INDUSTRIES & COMMERCE
BRANCH.

NOTE—Contd. sheet.